

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL WILSON,

Plaintiff,

v.

JOHN KERESTES, et al.,

Defendants.

Case No. 3:10-CV-1174
(Judge Kosik)

FILED
NOV 23 2010

ORDER

PER  DEPUTY CLERK

AND NOW, this 23rd day of November, 2010, IT APPEARING TO THE COURT THAT:

- (1) Plaintiff, Darrell Wilson, an inmate at the State Correctional Institution at Mahanoy, Frackville, Pennsylvania, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 on June 2, 2010;
- (2) In the Complaint, Plaintiff names numerous defendants and raises many unrelated claims (Doc. 1);
- (3) The matter was assigned to Magistrate Judge Thomas M. Blewitt;
- (4) On June 11, 2010, because of the nature and the length of the Complaint, the Magistrate Judge directed Plaintiff to file an amended complaint (Doc. 7);
- (5) Plaintiff filed an Amended Complaint on August 20, 2010 (Doc. 19);
- (6) On October 1, 2010, the Magistrate Judge issued a Report and Recommendation (Doc. 21) wherein he recommends that the action be dismissed without prejudice to file a new complaint in a new civil action;
- (7) Specifically, the Magistrate Judge found that the Amended Complaint failed to comply with the Order of June 11, 2010 in that the Amended Complaint also contained numerous unrelated allegations and defendants in violation of Federal Rule of Civil Procedure 20.

(8) On October 20, 2010, Plaintiff advised the court that he did not receive a copy of the Report and Recommendation and a copy was sent to him that day (Doc. 23);

(9) No objections to the Report and Recommendation have been filed;

AND, IT FURTHER APPEARING THAT:

(10) If no objections are filed to a magistrate judge's report and recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. See Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987).

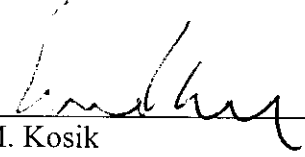
(11) We have reviewed the Magistrate Judge's Report and we agree with the recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated October 1, 2010 (Doc. 21) is ADOPTED;

(2) The above-captioned action is DISMISSED WITHOUT PREJUDICE to Plaintiff to file new complaints in new actions that comply with Federal Rule of Civil Procedure 20; and

(3) The Clerk of Court is directed to close this case and to FORWARD a copy of this Order to the Magistrate Judge.



Edwin M. Kosik
United States District Judge